

AMENDED IN ASSEMBLY AUGUST 21, 2014

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AMENDED IN ASSEMBLY JUNE 12, 2014

AMENDED IN ASSEMBLY JUNE 4, 2014

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 9, 2014

## SENATE BILL

**No. 1405**

**Introduced by Senator DeSaulnier**

**(Coauthor: Senator Lara)**

*(Coauthor: Assembly Member Wieckowski)*

February 21, 2014

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An act to *add Section 8593.2 to the Business and Professions Code*, to amend Sections 17609, 17610, 17611, and 17612 of, and to add Sections 17611.5 and 17614 to, the Education Code, and to amend Sections 12996, 12999.4, 13181, 13182, 13183, and 13187 of, and to add Section 13186.5 to, the Food and Agricultural Code, relating to pesticides.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, DeSaulnier. Pesticides: schoolsites.

(1) Existing law, the Healthy Schools Act of 2000, requires each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and to make these records available to the public upon request, as specified. Existing law authorizes a schoolsite to meet these requirements by retaining a copy of the warning sign posted for each pesticide application, as specified, and recording on the copy the

amount of pesticide used. Existing law requires a schoolsite or school district to identify an individual, known as a school designee, to carry out the requirements of the act.

This bill, if a schoolsite chooses to use certain pesticides, would require the school designee, at the end of each calendar year, or more often at his or her discretion, to submit to the Director of Pesticide Regulation a copy of the records, as specified, of all pesticide use at the schoolsite. The bill, if a schoolsite chooses to use certain pesticides, would require the school designee to develop and post on the Internet Web site of the schoolsite, or, if the schoolsite does not maintain an Internet Web site, the school district, an integrated pest management plan, as defined, for the schoolsite or school district, except if neither the schoolsite nor the school district maintains an Internet Web site, the school designee would be required to include the integrated pest management plan with a certain annual notification sent to staff and parents or guardians of pupils enrolled at the schoolsite. The bill would authorize a school designee to do these things related to an integrated pest management plan if the schoolsite does not choose to use certain pesticides.

(2) Existing law requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs for schoolsites that voluntarily choose to do so, excluding privately operated child day care facilities. For these schoolsites, existing law requires the department to establish an integrated pest management program for schoolsites. Existing law, in establishing the program, requires the department to develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each schoolsite and develop a model program guidebook, as specified, that prescribes essential program elements for schoolsites that have adopted a least-hazardous integrated pest management program. Existing law provides that a violation of the laws, and the regulations adopted pursuant to those laws, relating to pesticides is generally a misdemeanor.

This bill would require the Department of Pesticide Regulation to develop a training course to train any person who intends to apply pesticides on a schoolsite, and would require the training course to cover integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health. The bill would require the training course to be provided by the department or an agent authorized by the department. The bill ~~would also require,~~ *would,*

commencing July 1, 2016, and except as provided, require a school designee, and any person ~~applying~~ *who intends to apply* a pesticide at a schoolsite subject to the act, to annually complete a training course provided by the department or an agent authorized by the department. *The bill would, commencing July 1, 2016, require any person hired to apply a pesticide at a schoolsite subject to the act, to complete at least a one-hour training course in integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health before applying pesticides at such a schoolsite, and during each subsequent licensing period in which he or she applies a pesticide at a schoolsite subject to the act, and would provide that this training course may be applied to his or her professional continuing education requirements. The bill would require the one-hour training course to be developed by the department, would authorize a provider approved by the Structural Pest Control Board to also develop the one-hour training course if the training course has been approved by the department, and would require the department to ensure that the one-hour training course it develops or approves meets the requirements for continuing education credit required by the Structural Pest Control Board and the department. The bill would require the training course to include integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.* The bill would exclude the violation of the provisions requiring the completion of an annual training course from being a crime.

(3) *Existing law provides for the regulation of registered structural pest control companies by the Structural Pest Control Board. Existing law authorizes any individual 18 years of age or over to apply for a license as an operator, field representative, or applicator, as specified. Existing law requires the board to require as a condition of the renewal of an operator's, field representative's, or applicator's license that the licenseholder submit proof satisfactory to the board that he or she has completed courses of continuing education in pest control or pesticide application and use approved by the board or equivalent activity approved by the board. Existing law provides that any person who violates any provision related to structural pest control operators, or who conspires with another person to violate those provisions, is guilty of a misdemeanor and is punishable, as specified.*

*This bill, commencing July 1, 2016, would require a licensee to comply with the training requirements of the Healthy Schools Act of 2000 if the licensee intends to apply a pesticide at a schoolsite, as*

defined. The bill would provide that training courses completed in furtherance of the Healthy Schools Act of 2000 count toward the continuing education requirements of the board and qualify as continuing education in integrated pest management. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3)

(5) This bill would make conforming changes and various nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8593.2 is added to the Business and  
2     Professions Code, to read:

3     8593.2. Commencing July 1, 2016, a licensee shall comply  
4     with the training requirements of the Healthy Schools Act of 2000  
5     (Article 4 (commencing with Section 17608) of Chapter 5 of Part  
6     10.5 of Division 1 of Title 1 of the Education Code and Article 17  
7     (commencing with Section 13180) of Chapter 2 of Division 7 of  
8     the Food and Agricultural Code) if the licensee intends to apply  
9     a pesticide at a schoolsite, as defined in subdivision (f) of Section  
10    17609 of the Education Code. Courses completed in furtherance  
11    of the training requirements of the Healthy Schools Act of 2000  
12    shall count toward the continuing education requirements of the  
13    board and shall qualify as continuing education in integrated pest  
14    management.

15    ~~SECTION 1.~~

16    SEC. 2. Section 17609 of the Education Code is amended to  
17    read:

18    17609. The definitions set forth in this section govern the  
19    construction of this article unless the context clearly requires  
20    otherwise:

(a) “Antimicrobial” means those pesticides defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).

(b) “Crack and crevice treatment” means the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

(c) “Emergency conditions” means any circumstances in which the school designee or a property owner of a property where a privately operated child day care facility is located, or the property owner’s agent, deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, or other persons, or the schoolsite.

(d) “Integrated pest management plan” means a written plan based on a template provided or approved by the Department of Pesticide Regulation that outlines a strategy for integrated pest management, as described in Section 13181 of the Food and Agricultural Code.

(e) “School designee” or “IPM coordinator” means a schoolsite or school district employee identified by a schoolsite or school district to carry out the requirements of this article or to ensure that the requirements of this article are carried out.

(f) “Schoolsite” means any facility used as a child day care facility, as defined in Section 1596.750 of the Health and Safety Code, or for kindergarten, elementary, or secondary school purposes. The term includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by pupils. “Schoolsite” does not include any postsecondary educational facility attended by secondary pupils or private kindergarten, elementary, or secondary school facilities. For child day care facilities, the State Department of Social Services shall serve as the liaison to these facilities, as needed.

~~SEC. 2.~~

*SEC. 3.* Section 17610 of the Education Code is amended to read:

17610. (a) It is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state, in order to reduce children’s exposure to toxic pesticides, shall take the necessary

1 steps, pursuant to Article 17 (commencing with Section 13180)  
2 of Chapter 2 of Division 7 of the Food and Agricultural Code, to  
3 facilitate the adoption of effective least toxic pest management  
4 practices at schoolsites. It is the intent of the Legislature that all  
5 school personnel involved in the application of a pesticide at a  
6 schoolsite be trained in integrated pest management and the safe  
7 use of pesticides in relation to the unique nature of schoolsites and  
8 children's health.

9 (b) (1) (A) A property owner of a property where a child day  
10 care facility is located, or the property owner's agent, who  
11 personally applies any pesticides on an area listed in paragraph  
12 (2) shall provide notice to the child day care facility as described  
13 in paragraph (3) at least 120 hours before the application, unless  
14 an emergency condition, as defined in Section 17609, exists.

15 (B) An owner of property on which a child day care facility is  
16 located shall be subject to the requirement to provide notice  
17 pursuant to this subdivision 30 days after it has received notice  
18 from a child day care facility of its presence at the property, unless  
19 the property owner, or his or her agent, received that notice  
20 pursuant to paragraph (1) of subdivision (d) of Section 1597.40 of  
21 the Health and Safety Code before the effective date of this  
22 subdivision in which case the property owner shall be subject to  
23 the notice requirements on and after the effective date of this  
24 subdivision.

25 (2) This subdivision applies when a property owner or his or  
26 her agent intends to personally apply pesticides on any of the  
27 following:

28 (A) Inside the rented premises on which the child day care  
29 facility is located.

30 (B) Upon a designated child day care facility playground  
31 designated by the property owner.

32 (C) Upon an area designated for use by the child day care  
33 facility.

34 (D) Upon an area within 10 feet of the perimeter of the child  
35 day care facility.

36 (3) The notice required by paragraph (1) shall include the  
37 following:

38 (A) The product name.

39 (B) The manufacturer's name.

40 (C) The active ingredients of each pesticide.

1 (D) The United States Environmental Protection Agency's  
2 product registration number.

3 (E) The intended date of application.

4 (F) The areas of application listed in paragraph (2).

5 (G) The reason for application.

6 (4) A notice of pesticide application provided to a tenant  
7 pursuant to subdivision (d) of Section 13186 of the Food and  
8 Agricultural Code shall satisfy the notice requirements of this  
9 section.

10 (5) If the child day care facility ceases to operate on the property,  
11 the provisions of this act shall no longer apply to the property.

12 ~~SEC. 3.~~

13 *SEC. 4.* Section 17611 of the Education Code is amended to  
14 read:

15 17611. (a) Each schoolsite shall maintain records of all  
16 pesticide use at the schoolsite for a period of four years, and shall  
17 make this information available to the public, upon request,  
18 pursuant to the California Public Records Act (Chapter 3.5  
19 (commencing with Section 6250) of Division 7 of Title 1 of the  
20 Government Code). A schoolsite may meet the requirements of  
21 this section by retaining a copy of the warning sign posted for each  
22 application required pursuant to Section 17612, and recording on  
23 that copy the amount of the pesticide used.

24 (b) (1) If a schoolsite chooses to use a pesticide not included  
25 within Section 17610.5, at the end of each calendar year, or more  
26 often at the discretion of a school designee, the school designee  
27 shall submit to the Director of Pesticide Regulation a copy of the  
28 records of all pesticide use at the schoolsite for the calendar year.  
29 The records submitted to the Director of Pesticide Regulation shall  
30 be submitted using a form prepared by the Department of Pesticide  
31 Regulation similar to that prepared pursuant to subdivision (b) of  
32 Section 13186 of the Food and Agricultural Code, and shall include  
33 all of the following:

34 (A) The name of a school designee for the schoolsite.

35 (B) The name and address of the schoolsite, or the department  
36 code or licensed child day care facility number indicating if the  
37 site is an elementary or secondary school facility, or a child day  
38 care facility.

1 (C) The product name, manufacturer's name, the United States  
2 Environmental Protection Agency's product registration number,  
3 and the amount used, including the unit of measurement.

4 (D) The date, time, and location of application.

5 (2) The report submitted pursuant to paragraph (1) shall not  
6 include pesticide use reported pursuant to subdivision (c) of Section  
7 13186 of the Food and Agricultural Code.

8 ~~SEC. 4.~~

9 *SEC. 5.* Section 17611.5 is added to the Education Code, to  
10 read:

11 17611.5. (a) The school designee may develop and post on  
12 the Internet Web site of the schoolsite, or, if the schoolsite does  
13 not maintain an Internet Web site, the school district, an integrated  
14 pest management plan for the schoolsite or the school district. If  
15 neither the schoolsite nor the school district maintains an Internet  
16 Web site, the school designee may include the integrated pest  
17 management plan with the annual notification sent to staff and  
18 parents or guardians of pupils enrolled at the schoolsite pursuant  
19 to Section 17612. The integrated pest management plan shall  
20 include the name of the school designee or IPM coordinator,  
21 include the pesticides expected to be applied at the schoolsite by  
22 schoolsite or school district employees and hired pest control  
23 applicators, and include a date when the plan shall be reviewed  
24 and, if necessary, updated.

25 (b) If a schoolsite chooses to use a pesticide not included within  
26 Section 17610.5, the school designee shall post on the Internet  
27 Web site of the schoolsite, or, if the schoolsite does not maintain  
28 an Internet Web site, the school district, an integrated pest  
29 management plan for the schoolsite or the school district. If neither  
30 the schoolsite nor the school district maintains an Internet Web  
31 site, the school designee shall include the integrated pest  
32 management plan with the annual notification sent to staff and  
33 parents or guardians of pupils enrolled at the schoolsite pursuant  
34 to Section 17612. The integrated pest management plan shall  
35 include the name of the school designee or IPM coordinator,  
36 include the pesticides applied at the schoolsite by schoolsite or  
37 school district employees and hired pest control applicators, and  
38 include a date when the plan shall be reviewed and, if necessary,  
39 updated.



1 (c) Nothing in this section shall limit or otherwise change the  
2 requirements of Section 17612.

3 ~~SEC. 5.~~

4 *SEC. 6.* Section 17612 of the Education Code is amended to  
5 read:

6 17612. (a) The school designee shall annually provide to all  
7 staff and parents or guardians of pupils enrolled at a schoolsite a  
8 written notification of the name of all pesticide products expected  
9 to be applied at the schoolsite during the upcoming year. The  
10 notification shall identify the active ingredient or ingredients in  
11 each pesticide product. The notice shall also contain the Internet  
12 address used to access information on pesticides and pesticide use  
13 reduction developed by the Department of Pesticide Regulation  
14 pursuant to Section 13184 of the Food and Agricultural Code, the  
15 Internet address where the schoolsite integrated pest management  
16 plan may be found if the schoolsite has posted the plan, and may  
17 contain other information deemed necessary by the school  
18 designee. The notice shall also inform staff and parents and  
19 guardians of pupils enrolled at a schoolsite that they may view a  
20 copy of the integrated pest management plan in the schoolsite  
21 office. No other written notification of pesticide applications shall  
22 be required by this act except as follows:

23 (1) In the written notification provided pursuant to this  
24 subdivision, the school designee shall provide the opportunity for  
25 recipients to register with the schoolsite if they wish to receive  
26 notification of individual pesticide applications at the schoolsite.  
27 Persons who register for notification shall be notified of individual  
28 pesticide applications at least 72 hours before the application. The  
29 notice shall include the product name, the active ingredient or  
30 ingredients in the product, and the intended date of application.

31 (2) If a pesticide product not included in the annual notification  
32 is subsequently intended for use at the schoolsite, the school  
33 designee shall, consistent with this subdivision and at least 72  
34 hours before application, provide written notification of its intended  
35 use.

36 (b) The school designee shall make every effort to meet the  
37 requirements of this section in the least costly manner. Annual  
38 notification by a school district to parents and guardians shall be  
39 provided pursuant to Section 48980.3. Any other notification shall,  
40 to the extent feasible and consistent with the act adding this article,

1 be included as part of any other written communication provided  
2 to individual parents or guardians. This section shall not require  
3 the school designee to issue the notice through first-class mail,  
4 unless he or she determines that no other method is feasible.

5 (c) Pest control measures taken during an emergency condition  
6 as defined in Section 17609 shall not be subject to the requirements  
7 of paragraphs (1) and (2) of subdivision (a). However, the school  
8 designee or property owner shall make every effort to provide the  
9 required notification for an application of a pesticide under  
10 emergency conditions.

11 (d) The school designee shall post each area of the schoolsite  
12 where pesticides will be applied with a warning sign. The warning  
13 sign shall prominently display the term “Warning/Pesticide Treated  
14 Area” and shall include the product name, manufacturer’s name,  
15 the United States Environmental Protection Agency’s product  
16 registration number, intended date and areas of application, and  
17 reason for the pesticide application. The warning sign shall be  
18 visible to all persons entering the treated area and shall be posted  
19 24 hours before the application and remain posted until 72 hours  
20 after the application. In case of a pest control emergency, the  
21 warning sign shall be posted immediately upon application and  
22 shall remain posted until 72 hours after the application.

23 (e) Subdivisions (a) and (d) shall not apply to schools operated  
24 by the Division of Juvenile Justice. The school administrator of a  
25 school operated by the Division of Juvenile Justice shall notify the  
26 chief medical officer of that facility at least 72 hours before the  
27 application of pesticides. The chief medical officer shall take any  
28 steps necessary to protect the health of pupils in that facility.

29 (f) This section and Section 17611 shall not apply to activities  
30 undertaken at a school by participants in the state program of  
31 agricultural vocational education, pursuant to Article 7  
32 (commencing with Section 52450) of Chapter 9 of Part 28 of  
33 Division 4 of Title 2, if the activities are necessary to meet the  
34 curriculum requirements prescribed in Section 52454. This  
35 subdivision does not relieve schools participating in the state  
36 program of agricultural vocational education of any duties pursuant  
37 to this section for activities that are not directly related to the  
38 curriculum requirements of Section 52454.

39 (g) Sections 17610 to 17614, inclusive, shall not apply to family  
40 day care homes or property owners of family day care homes, as

1 defined in Section 1596.78 of the Health and Safety Code, or their  
2 agents who personally apply any pesticides.

3 (h) If pesticide is applied by a property owner or his or her agent,  
4 or by a pest control operator, failure to provide notice pursuant to  
5 subdivision (b) of Section 17610 or subdivision (d) of Section  
6 13186 of the Food and Agricultural Code shall relieve a privately  
7 operated child day care facility from the requirements of this  
8 section.

9 ~~SEC. 6.~~

10 SEC. 7. Section 17614 is added to the Education Code, to read:

11 17614. (a) Commencing July 1, 2016, *and except as provided*  
12 *in subdivision (b)*, the school designee, and any person, including,  
13 but not necessarily limited to, ~~a pest control applicator or schoolsite~~  
14 or school district employee, who, in the course of his or her work,  
15 intends to apply a pesticide at a schoolsite subject to this article,  
16 shall annually complete a training course provided by the  
17 Department of Pesticide Regulation or an agent authorized by the  
18 Department of Pesticide Regulation. The training course shall  
19 include integrated pest management and the safe use of pesticides  
20 in relation to the unique nature of schoolsites and children's health.

21 (b) (1) *Commencing July 1, 2016, any person hired to apply a*  
22 *pesticide at a schoolsite subject to this article shall complete at*  
23 *least a one-hour training course in integrated pest management*  
24 *and the safe use of pesticides in relation to the unique nature of*  
25 *schoolsites and children's health before applying pesticides at a*  
26 *schoolsite subject to this article and during each subsequent*  
27 *licensing period in which the person applies a pesticide at a*  
28 *schoolsite subject to this article. The training course may be*  
29 *applied to his or her professional continuing education requirement*  
30 *required by the Structural Pest Control Board or the Department*  
31 *of Pesticide Regulation.*

32 (2) *The training course required by paragraph (1) shall be*  
33 *developed by the Department of Pesticide Regulation and may*  
34 *also be developed by a provider approved by the Structural Pest*  
35 *Control Board if the training course has been approved by the*  
36 *Department of Pesticide Regulation.*

37 (3) *The Department of Pesticide Regulation shall ensure that*  
38 *the training course it develops or approves pursuant to paragraph*  
39 *(2) meets the requirements for continuing education credit required*

1 *by the Structural Pest Control Board and the Department of*  
2 *Pesticide Regulation.*

3 ~~SEC. 7.~~

4 *SEC. 8.* Section 12996 of the Food and Agricultural Code is  
5 amended to read:

6 12996. (a) Every person who violates any provision of this  
7 division relating to pesticides, or any regulation issued pursuant  
8 to a provision of this division relating to pesticides, is guilty of a  
9 misdemeanor and upon conviction shall be punished by a fine of  
10 not less than five hundred dollars (\$500) nor more than five  
11 thousand dollars (\$5,000), or by imprisonment of not more than  
12 six months, or by both the fine and imprisonment. Upon a second  
13 or subsequent conviction of the same provision of this division  
14 relating to pesticides, a person shall be punished by a fine of not  
15 less than one thousand dollars (\$1,000) nor more than ten thousand  
16 dollars (\$10,000), or by imprisonment of not more than six months  
17 or by both the fine and imprisonment. Each violation constitutes  
18 a separate offense.

19 (b) Notwithstanding the penalties prescribed in subdivision (a),  
20 if the offense involves an intentional or negligent violation that  
21 created or reasonably could have created a hazard to human health  
22 or the environment, the convicted person shall be punished by  
23 imprisonment in a county jail not exceeding one year or in the  
24 state prison or by a fine of not less than five thousand dollars  
25 (\$5,000) nor more than fifty thousand dollars (\$50,000), or by both  
26 the fine and imprisonment.

27 (c) This section does not apply to violations of Chapter 7.5  
28 (commencing with Section 15300) or Section 13186.5.

29 ~~SEC. 8.~~

30 *SEC. 9.* Section 12999.4 of the Food and Agricultural Code is  
31 amended to read:

32 12999.4. (a) In lieu of civil prosecution by the director, the  
33 director may levy a civil penalty against a person violating Sections  
34 12115, 12116, 12671, 12992, 12993, Chapter 10 (commencing  
35 with Section 12400) of Division 6, Article 4.5 (commencing with  
36 Section 12841), Section 13186.5, Chapter 7.5 (commencing with  
37 Section 15300), or the regulations adopted pursuant to those  
38 provisions, of not more than five thousand dollars (\$5,000) for  
39 each violation.

(b) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Before the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing, the person shall be given the opportunity to present evidence on his or her own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.

(c) If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek review of the director's decision within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(e) Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).

~~SEC. 9.~~

*SEC. 10.* Section 13181 of the Food and Agricultural Code is amended to read:

13181. (a) Notwithstanding any other law, for purposes of this article, "integrated pest management" means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as

1 monitoring for pest presence and establishing treatment threshold  
2 levels, using nonchemical practices to make the habitat less  
3 conducive to pest development, improving sanitation, and  
4 employing mechanical and physical controls. Pesticides that pose  
5 the least possible hazard and are effective in a manner that  
6 minimizes risks to people, property, and the environment, are used  
7 only after careful monitoring indicates they are needed according  
8 to preestablished guidelines and treatment thresholds. This  
9 definition shall apply only to integrated pest management at school  
10 facilities and child day care facilities.

11 (b) For purposes of this article “IPM coordinator” has the same  
12 meaning as school designee or IPM coordinator, as those terms  
13 are defined in subdivision (e) of Section 17609 of the Education  
14 Code.

15 ~~SEC. 10.~~

16 *SEC. 11.* Section 13182 of the Food and Agricultural Code is  
17 amended to read:

18 13182. It is the policy of the state that effective least toxic pest  
19 management practices should be the preferred method of managing  
20 pests at schoolsites and that the state, in order to reduce children’s  
21 exposure to toxic pesticides, shall take the necessary steps, pursuant  
22 to this article, to facilitate the adoption of effective least toxic pest  
23 management practices at schoolsites. It is the intent of the  
24 Legislature that all school personnel involved in the application  
25 of pesticides at a schoolsite be trained in integrated pest  
26 management and the safe use of pesticides in relation to the unique  
27 nature of schoolsites and children’s health.

28 ~~SEC. 11.~~

29 *SEC. 12.* Section 13183 of the Food and Agricultural Code is  
30 amended to read:

31 13183. (a) The department shall promote and facilitate the  
32 voluntary adoption of integrated pest management programs for  
33 schoolsites, excluding privately operated child day care facilities,  
34 as defined in Section 1596.750 of the Health and Safety Code, that  
35 voluntarily choose to do so. For these schoolsites, the department  
36 shall do all of the following:

37 (1) Establish an integrated pest management program for  
38 schoolsites consistent with Section 13181. In establishing the  
39 program, the department shall:

1 (A) Develop criteria for identifying least-hazardous pest control  
2 practices and encourage their adoption as part of an integrated pest  
3 management program at each schoolsite.

4 (B) Develop a model program guidebook that prescribes  
5 essential program elements for schoolsites that have adopted a  
6 least-hazardous integrated pest management program. At a  
7 minimum, this guidebook shall include guidance on all of the  
8 following:

- 9 (i) Adopting an IPM policy.
- 10 (ii) Selecting and training an IPM coordinator.
- 11 (iii) Identifying and monitoring pest populations and damage.
- 12 (iv) Establishing a community-based school district advisory  
13 committee.
- 14 (v) Developing a pest management plan for making  
15 least-hazardous pest control choices.
- 16 (vi) Contracting for integrated pest management services.
- 17 (vii) Training and licensing opportunities.
- 18 (viii) Establishing a community-based right-to-know standard  
19 for notification and posting of pesticide applications.
- 20 (ix) Recordkeeping and program review.

21 (C) Develop a template for an integrated pest management plan  
22 to be used by schoolsites or school districts. The template shall  
23 outline a strategy for integrated pest management as described in  
24 Section 13181.

25 (2) Make the model program guidebook available to schoolsites  
26 and establish a process for systematically updating the guidebook  
27 and supporting documentation.

28 (b) The department shall promote and facilitate the voluntary  
29 adoption of integrated pest management programs at child day  
30 care facilities, as defined in Section 1596.750 of the Health and  
31 Safety Code, through the following:

32 (1) Modifying the department's existing integrated pest  
33 management program for schoolsites as described in subdivision  
34 (a) of Section 13183 for the child day care setting.

35 (2) Creating or modifying existing educational and informational  
36 materials on integrated pest management for the child day care  
37 setting.

38 (3) Making the materials available to child day care facilities  
39 and establishing a process for systematically updating them.

(c) The department shall develop a training course to train any person who intends to apply pesticides on a schoolsite. The training course shall cover integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health. The training course shall be provided by the department or an agent authorized by the department.

~~SEC. 12.~~

SEC. 13. Section 13186.5 is added to the Food and Agricultural Code, to read:

13186.5. (a) Commencing July 1, 2016, and except as provided in subdivision (b), a school designee, as defined in Section 17609 of the Education Code, and any ~~person applying~~ person, including, but not necessarily limited to, a schoolsite or district employee, who, in the course of his or her work, intends to apply a pesticide at a schoolsite subject to this article, shall annually complete a training course provided by the department or an agent authorized by the department. The training course shall include integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.

(b) (1) Commencing July 1, 2016, any person hired to apply a pesticide at a schoolsite subject to this article shall complete at least a one-hour training course in integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health before applying pesticides at a schoolsite subject to this article and during each subsequent licensing period in which the person applies a pesticide at a schoolsite subject to this article. The training course may be applied to his or her professional continuing education requirement required by the Structural Pest Control Board or the department.

(2) The training course required by paragraph (1) shall be developed by the department and may also be developed by a provider approved by the Structural Pest Control Board if the training course has been approved by the department.

(3) The department shall ensure that the training course it develops or approves pursuant to paragraph (2) meets the requirements for continuing education credit required by the Structural Pest Control Board and the department.

~~SEC. 13.~~

SEC. 14. Section 13187 of the Food and Agricultural Code is amended to read:



1 13187. Sections 13186 and 13186.5 shall not apply to any  
2 agency signatory to a cooperative agreement with the State  
3 Department of Public Health pursuant to Section 116180 of the  
4 Health and Safety Code.

5 *SEC. 15. No reimbursement is required by this act pursuant*  
6 *to Section 6 of Article XIII B of the California Constitution because*  
7 *the only costs that may be incurred by a local agency or school*  
8 *district will be incurred because this act creates a new crime or*  
9 *infraction, eliminates a crime or infraction, or changes the penalty*  
10 *for a crime or infraction, within the meaning of Section 17556 of*  
11 *the Government Code, or changes the definition of a crime within*  
12 *the meaning of Section 6 of Article XIII B of the California*  
13 *Constitution.*